

Remarks

This is in reply to the office action dated February 23, 2005. Claims 1 - 6, 8 and 11 - 23 are pending in the application. Claims 7, 9 and 10 were withdrawn from consideration. Claims 1 - 6, 8, 14, 15 and 18 - 23 were rejected and claims 11 - 13, 16 and 17 were objected to but noted as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In this reply, claims 2, 5-7, 9-11, 19 and 21 have been canceled, and new claims 24 to 31 have been added. Re-examination and reconsideration of the claims is respectfully requested.

Information Disclosure Statements

A. A new information disclosure statement is included herewith.

B. A previous information disclosure statement filed December 27, 2004 included two "other documents" which were not considered because dates were not provided for these two references. (References AQ and AR is listed on form PTO-A820). Applicants have not provided dates since they do not know the dates that these devices were first made or offered for sale or any other such information. Applicants do know that these devices existed before they invented the present invention. Accordingly, in the prior filed information disclosure statement, applicants admitted that these items are prior art (see the Supplemental Information Disclosure statement, last paragraph).

There is no requirement in the rules or the MPEP that a specific date be given for this type of information. The rules and the MPEP require dates for patents, patent applications and publications. For "other information" there is no such requirement. This is consistent with the practice of the patent office whereby disclosures made by the applicant in the patent specification can be held to be an admission of prior art even though no specific date is provided. In the present case, the best the applicants can do is to admit that the cited references are prior art, just

as if this admission was made in the specification. If helpful, applicants will stipulate that these items are prior art under 35 U.S.C. 102 (b). Accordingly, reconsideration of references AQ and AR filed December 27, 2004 is respectfully requested.

Correction

Claim 16 was amended to correct a minor error.

Prior Art Rejections

Claims 1-6, and 18-22 stand rejected under 35 USC 102(b) as being anticipated by U.S. patent number 6,367,707 to Kang.

Claimed 1 has been amended to incorporate elements of former claim 11. Former claim 11 was noted as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Although the wording added from claim 11 to claim 1 has been slightly changed, claim 1 is considered patentable for similar reasons, i.e., the prior art does not teach or suggest the combination that includes said spout comprising an outer sleeve and an inner sleeve, wherein said inner sleeve has an opening which is moveable by moving said inner sleeve to restrict the flow of water to said second outlet. Accordingly, claim 1 is believed patentable.

Claims 3, 4, 8, 12 - 18 depending from claim 1, and further limited, are likewise believed patentable. Moreover, claims, 12-13, 16 and 17 were previously noted as allowable and thus should remain patentable. Claim 4 includes the limitation of a restrictor orifice opening positioned downstream of said valve to restrict the flow of water entering said spout. In the office action, item 34 of the Kang patent is stated to be a restrictor. However, item 34 is not an orifice opening, and, moreover, there is no suggestion in Kang that this item is a restrictor. The Kang patent simply refers to this item as a third bore that extends from the central cavity 26 to the top surface 14. Column 3, lines 29-33. Thus claim 4 is believed patentable for this additional reason.

Claim 20 has been amended to include an adjustable restrictor positioned in said spout for controlling the flow of water exiting from said second outlet; and a second restrictor for lowering the water pressure of the water received from the faucet, said second restrictor comprising an orifice opening positioned between said valve chamber and said spout. Support for the amendments can be found in the specification and drawings (item 108a in Fig. 2 shows an “orifice restrictor”) and the adjustable restrictor is supported in original claim 11 (See e.g., Fig 11). Kang does not teach or suggest any one of these two restrictors, let alone both of them. Claim 20 is thus believed patentable.

Claims 22 and 23, depending form claim 1, are likewise believed patentable.

New claim 24, depending from claim 1, is likewise believed patentable. Support for the new claim is found in Figure 11. Furthermore, the new claim limitations of said outer sleeve has a bottom and said inner sleeve opening is positioned on a bottom of said inner sleeve, wherein the flow of water from the spout can be controlled by increasing or decreasing a distance between the inner sleeve opening and said bottom of said outer sleeve are not disclosed in the cited references and thus claim 24 is believed patentable.

New claims 25 to 27, depending from claim 20, are likewise believed patentable. These limitations are similar to those in original claims 11-13 and believed patentable for similar reasons, i.e., these limitations are not believed taught or suggested in the art of record.

New independent claim 28 is similar to amended claim 1, although limitations related to the diverter valve have been removed. It includes limitations of said spout comprising an adjustable restrictor for restricting the flow of water to said second outlet, said restrictor comprising a spout outer sleeve and a spout inner sleeve, said inner sleeve having an opening which is moveable by moving said inner sleeve

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relative to said outer sleeve to control the amount of restriction of said flow of water.
This is similar to the limitations added by amendment herein to claim 1 which are not taught or suggested in the prior art and thus believed patentable for similar reasons.

New claim 29 depends from claim 16 and is likewise patentable. Support for the claim is found in Fig. 11.

New claim 30 is believed patentable for reasons similar to those of claim 24.

New claim 31 is believed patentable for reasons similar to those of claim 28 above.

Conclusion

For the reasons set forth above allowance of claims 1, 3, 4, 8, 12 -18, 20, 22 – 31 is requested.

Respectfully submitted,

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